

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

DUANE SCOTT BOYCE,

Plaintiff,

v.

Civil Action No. **3:23CV246**

VIRGINIA DEPARTMENT OF CORRECTIONS,

Defendant.

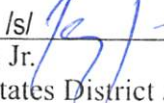
MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se*, submitted a letter requesting the Court to appoint him counsel for filing a civil action. (ECF No. 1.) The Court denied the request because the action presents no complex issues or exceptional circumstances, and Plaintiff's submissions demonstrate that he is competent to represent himself in the action. (ECF No. 2.) Nevertheless, the Court directed the Clerk to mail Plaintiff a standardized form for filing a 42 U.S.C. § 1983 complaint. The Court explained that if Plaintiff wished to file a complaint at this time, he should complete and return the form to the Court within thirty (30) days of the date of entry thereof. The Court noted that if Plaintiff failed to take any action within that time, the Court would dismiss the action without prejudice. *See* Fed. R. Civ. P. 41(b).

More than thirty (30) days have elapsed and Plaintiff has not completed and returned the § 1983 complaint form. Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: 30 May 2023
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
Senior United States District Judge